United Nations CERD/C/ARM/CO/7-11

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
31 May 2017

Original: English

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined seventh to eleventh periodic reports of Armenia*

1. The Committee considered the combined seventh to eleventh periodic reports of Armenia (CERD/C/ARM/7-11), submitted in one document, at its 2524th and 2525th meetings (see CERD/C/SR.2524 and 2525), held on 27 and 28 April 2017. At its 2539th meeting, held on 9 May 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined seventh to eleventh periodic reports of the State party, which include responses to the concerns raised by the Committee in its previous concluding observations. The Committee wishes to commend the regularity in reporting and welcomes the open and constructive dialogue with the State party's high-level delegation.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative and policy measures taken by the State party:

(a) The amendment to article 29 of the Constitution providing for equality before the law and prohibiting any discrimination, approved by referendum in 2015;

(b) The amendment to article 89 of the Constitution and the adoption of the new Electoral Code, which provide for members of national minorities to be represented in the National Assembly (see, in particular, article 95 of the Code as amended), approved by referendum in 2015;

(c) The Law to Amend and Supplement the Law on Refugees and Asylum, in 2015;

(d) The Law on Ensuring Equal Rights and Equal Opportunities for Women and Men, in 2013;

(e) The national strategy on human rights protection, in 2014;

(f) The national action plan on human rights, in 2014;

(g) The amendment to the Law on Alternative Service, in 2013;

(h) The national action plan on human rights education 2012-2015, in 2012.

4. The Committee also welcomes the ratification by the State party of the International Convention for the Protection of All Persons from Enforced Disappearance, in 2011.

* Adopted by the Committee at its ninety-second session (24 April-12 May 2017).

C. Concerns and recommendations

Status of the Convention in the domestic legal order and anti-discrimination legislation

5. While taking note of the explanation provided by the State party that treaty norms take priority over national norms and noting the State party's efforts to bring its legislation into line with the Convention, in particular through the amendment to article 29 of the Constitution and the draft law on anti-discrimination, the Committee remains concerned that the legislation of the State party does not currently give full effect to all the articles of the Convention (arts. 1 and 4).

6. **Reiterating the recommendation made in its previous concluding observations (see CERD/C/ARM/CO/5-6, paragraph 8) and recalling its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention, the Committee recommends that the State party speed up the adoption of the draft law on anti-discrimination and that it continue to bring its legislation into line with the Convention.**

Human Rights Defender's Office

7. While welcoming the reaccreditation of the Human Rights Defender's Office with A status in May 2013, the Committee is concerned that the Office has inadequate funding, which undermines its ability to carry out its mandate effectively (art. 2).

8. **The Committee recommends that the State party provide sufficient and sustainable funding to the Human Rights Defender's Office, including for the continued operation of its regional offices and the national preventive mechanism, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Organizations that promote racial hatred and racist propaganda

9. The Committee takes note of the delegation's explanation that article 226 of the Criminal Code criminalizes actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity and that the existing legislation provides for the dismantlement of groups involved in racially motivated acts. The Committee is nevertheless concerned by the absence of legislation criminalizing racist organizations and participation in such organizations, which is not in line with the provisions of the Convention (art. 4 (b)).

10. **Recalling the recommendation made in its previous concluding observations (see CERD/C/ARM/CO/5-6, paragraph 8) the Committee reminds the State party of its obligation under article 4 (b) of the Convention to declare illegal and prohibit organizations that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law.**

Hate crime and hate speech legislation

11. The Committee is concerned at reports of racist hate speech and discriminatory statements in public discourse, including by public and political figures and in the media, in particular on the Internet, mainly against religious minorities, asylum seekers and refugees. The Committee also takes note of article 63 of the Criminal Code, which lists, inter alia, national, racial or religious hatred and religious fanaticism as grounds aggravating the punishment or liability for a crime (arts. 4-5).

12. **Bearing in mind its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party take appropriate measures to strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures, and that it call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred. It also recommends that the State party register, investigate and bring to justice cases of hate speech and sanction those responsible.**

The Committee further recommends that the State party introduce a separate definition and prohibition of hate crime in its criminal law.

Reporting of cases of racial discrimination and prosecution of perpetrators

13. While the Committee takes note of the four criminal cases of racial discrimination described in the State party's report (see CERD/C/ARM/7-11, annex IV), as well as the intention to reverse the burden of proof in discrimination cases as previously provided for in the draft law on anti-discrimination, the Committee remains concerned at the low number of cases of racial discrimination registered, investigated and brought before the courts during the reporting period. The Committee reminds the State party that the low level of complaints may signify impediments in invoking the rights in the Convention domestically, including lack of public awareness of the rights enshrined in the Convention and a lack of access to, availability of or confidence in the methods to seek judicial recourse (arts. 2 and 4-7).

14. **Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee again reminds the State party that the absence of complaints or legal proceedings brought by victims of racial discrimination can be indicative of legislation that is insufficiently specific, a lack of awareness of available remedies, fear of social disapproval or reprisals, or an unwillingness on the part of the authorities to initiate proceedings. The Committee therefore recommends that the State party take all steps necessary to facilitate access by minorities to justice, to disseminate information on legislation relating to racial discrimination and to inform the population residing in its territory about all the legal remedies available to them and of the possibility of obtaining legal assistance.**

Situation of minorities and enjoyment of economic, social and cultural rights

15. While the Committee welcomes the information provided in the State party's report regarding the ethnic composition of the State party (see CERD/C/ARM/7-11, annexes I and III), it regrets the absence of data on the enjoyment of economic, social and cultural rights by minority groups, refugees and asylum seekers. The Committee further regrets the lack of information on small minority ethnic groups such as the Lom (also known as Bosha) and the Molokans (art. 5).

16. **The Committee requests that the State party provide the Committee with updated data on economic and social indicators disaggregated by ethnicity, nationality and country of origin, which will enable the Committee to better understand the extent to which minority groups, refugees and asylum seekers enjoy their economic, social and cultural rights. The Committee also requests that the State party conduct studies and surveys on small ethnic groups such as the Lom and the Molokans to enable it to evaluate such groups' enjoyment of the rights protected by the Convention.**

Situation of non-citizens

17. While taking note of the State party's efforts to assist and integrate a large number of refugees, in particular from the Syrian Arab Republic, the Committee is concerned at reports of discrimination in the granting of asylum status based on ethnicity, religion or national origin. The Committee also takes note of the signature by the State party of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2013 and of the current domestic procedure for its ratification (arts. 1 and 5).

18. **The Committee urges the State party to improve its asylum procedure by ensuring that asylum seekers have access to fair and efficient refugee status determination procedures, without discrimination on the basis of religion or ethnic or national origin, in order to better fulfil its obligations under articles 1 and 5 of the Convention and the Committee's general recommendation No. 30 (2004) on discrimination against non-citizens. The Committee encourages the State party to speedily finalize the procedure for ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Access to education

19. The Committee notes with appreciation the State party's efforts to make preschool education available to all children, as well as other efforts to increase minority groups' access to education. The Committee nevertheless remains concerned at the lack of disaggregated statistical data on how many members of minority groups complete and drop out of both primary and secondary school and how many enrol in university (art. 5).

20. **The Committee recommends that the State party collect data and monitor access to primary, secondary and tertiary education by members of minority groups. Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee further recommends that the State party strengthen and implement special measures, if needed, to increase the number of children of ethnic minority groups who attend school and reduce the number of such children who drop out of school. It recommends that the State party continue its efforts to increase the number of teachers from minority communities, including by facilitating their access to training courses.**

Participation in public life

21. While commending the constitutional amendments providing for minority quotas in the National Assembly, the Committee regrets that many minority groups are still excluded from benefitting from the quotas owing to the existence of a minimum threshold. The Committee is further concerned that the application of such quotas is limited to the National Assembly (art. 5 (c) and (d)).

22. **While noting that it may be necessary to have a minimum threshold, the Committee recommends that the State party review the quota system so as to allow for greater representation of minorities in the National Assembly. The Committee underlines the importance of ensuring, to the extent possible, the effective participation of all groups in public bodies and institutions, including the public administration, the police and the judiciary, and therefore recommends that the State party include representatives of minority groups in these bodies too.**

Minority women and girls

23. Noting the amendments made in 2013 to article 10 of the Family Code, which raised the legal minimum age of marriage for women from 17 to 18, the Committee remains concerned at reports that child marriage remains frequent in the Yezidi community and that rates of unregistered marriages are high (arts. 2 and 5).

24. **The Committee invites the State party to consider further reforming its legislation to exclude exceptions that allow for child marriage and to take all necessary steps to secure the registration of all marriages.**

D. Other recommendations

Declaration under article 14 of the Convention

25. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.**

Follow-up to the Durban Declaration and Programme of Action

26. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State**

party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

27. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

28. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.**

Amendment to article 8 of the Convention

29. **The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Follow-up to the present concluding observations

30. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 and 18 above.**

Paragraphs of particular importance

31. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 10, 12 and 22 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

32. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Preparation of the next report

33. **The Committee recommends that the State party submit its combined twelfth to fourteenth periodic reports, as a single document, by 23 July 2020, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**